

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

RFA Brands, LLC., et al.

Plaintiffs,

v.

John Joseph Beauvais, et al.

Defendants.

Case No. 2:13-cv-14615-GER-MAR

Hon. Gerald E. Rosen

Magistrate Judge Michael J. Hluchaniuk

**STIPULATED FINAL JUDGMENT AND
ORDER FOR PERMANENT INJUNCTION**

The Court previously adopted the Report and Recommendation of Magistrate Judge Hluchaniuk (Dkt. 24) to grant Plaintiff's Motion for Partial Summary Judgment on the claims of trademark infringement, false advertising and unfair competition and to award of damages in the amount of \$20,000.00. (Dkt. 31). Defendant Joseph Beauvais stipulates to entry of this Stipulated Final Judgment and Order for Permanent Injunction to resolve all matters in dispute in this action.

NOW THEREFORE, Plaintiffs and Defendant, having requested the Court to enter this Order, and the Court having considered the Order reached between the parties, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. FINAL JUDGMENT IS HEREBY GRANTED THAT Defendant Joseph Beauvais violated sections 1114 and 1125 of the Lanham Act and is liable for trademark infringement, false advertising and unfair competition to Plaintiffs.

2. Joseph Beauvais is liable to Plaintiffs for monetary damages in the amount of \$20,000 and for attorney fees in the amount of \$4,000. Final judgment in the amount of \$24,000 is entered in favor of Plaintiffs which defendant Joseph Beauvais is hereby ordered to pay to Plaintiffs.

3. The bond posted by Plaintiffs of \$1000 in connection with the Stipulated Preliminary Injunction is RELEASED back to Plaintiffs.

4. The inventory of products held by counsel for Plaintiffs in accord with the Stipulated Preliminary Injunction is permanently RELEASED to Plaintiffs.

5. Plaintiffs are entitled to a Permanent Injunction, extending the terms of the Stipulated Preliminary Injunction. Joseph Beauvais, and his agents, servants, employees, attorneys and all those in active concert and participation with him who receive actual notice of this Judgment are PERMANENTLY RESTRAINED AND ENJOINED from, directly or indirectly, selling any products bearing Plaintiffs' Marks without first seeking the permission of Plaintiffs with proof of a bona fide purchase of product from an identified verifiable source. Specifically, it is ORDERED that Joseph Beauvais will cease selling any products bearing Plaintiffs' Marks (HoMedics, myCharge, HDMX Audio, The Sharper Image and House of Marley) without obtaining such prior authorization from Plaintiffs.

7. The other Counts in the Complaint are dismissed without prejudice in view of the agreement of Plaintiffs to dismiss the remaining counts as a result of the final judgment of \$24,000 granted herein.

SO ORDERED.

s/Gerald E. Rosen
U.S. DISTRICT COURT JUDGE

Date: April 23, 2015

SO STIPULATED AND AGREED:

<p><u>By: see next page for signature</u></p> <p>Joseph Beauvais 2900 East Jefferson Apt. D-400 Detroit, MI 48207</p> <p>Dated: 4/19/15</p>	<p><u>By: /s/ Mark A. Cantor</u> BROOKS KUSHMAN P.C. MARK A. CANTOR (P32661) 1000 Town Center, 22nd Floor Southfield, Michigan 48075 (248) 358-4400 Email: mcantor@brookskushman.com</p> <p><i>Attorneys for Plaintiff</i></p> <p>Dated: 4/22/15</p>
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7. The other Counts in the Complaint are dismissed without prejudice in view of the agreement of Plaintiffs to dismiss the remaining counts as a result of the final judgment of \$24,000 granted herein.

SO ORDERED.

HON. DISTRICT COURT JUDGE

Date: _____

SO STIPULATED AND AGREED:

<p>By: <u></u> Joseph Beauvais 2900 East Jefferson Apt. D-400 Detroit, MI 48207 Dated: 4/19/15</p>	<p>By: <u></u> BROOKS KUSHMAN P.C. MARK A. CANTOR (P32661) 1000 Town Center, 22nd Floor Southfield, Michigan 48075 (248) 358-4400 Email: mcantor@brookskushman.com <i>Attorneys for Plaintiff</i> Dated: 4/22/15</p>
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